

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, August 3, 2021

Hearing Room

5B

10:30 AM

8:00-00000

Chapter

#0.00 Hearings on this calendar will be conducted using ZoomGov video and audio.

For information about appearing in person (or a hybrid hearing) please visit <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert>.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address:

<https://cacb.zoomgov.com/j/1609998025>

ZoomGov meeting number: 160 999 8025

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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

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Hearing Room

5B

10:30 AM

CONT...

Chapter

For more information on appearing before Judge Albert by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Theodor C. Albert's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, August 3, 2021

Hearing Room

5B

10:30 AM

CONT...

Chapter

Docket 0

Tentative Ruling:

- NONE LISTED -

**United States Bankruptcy Court
Central District of California
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Courtroom 5B Calendar**

Tuesday, August 3, 2021

Hearing Room

5B

10:30 AM

8:21-11291 Neven Nabil Mosaad

Chapter 7

#1.00 Motion for relief from the automatic stay UNLAWFUL DETAINER

**CORTE BELLA FEE OWNER LLC
Vs
DEBTOR**

Docket 8

Tentative Ruling:

Tentative for 8/3/21:
Grant. Appearance: optional

Party Information

Debtor(s):

Neven Nabil Mosaad

Represented By
Robert P Taylor

Movant(s):

CORTE BELLA FEE OWNER LLC

Represented By
Scott Andrews

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, August 3, 2021

Hearing Room

5B

10:30 AM

8:19-14912 Igor Shabanets

Chapter 7

#2.00 Motion for relief from the automatic stay PERSONAL PROPERTY

**CREDITOR REMARES GLOBAL, LLC
Vs.
DEBTOR**

Docket 351

Tentative Ruling:

Tentative for 8/3/21:

As the court understands the motion, Remares is concerned that its claim of execution lien against monies levied in the hands of Merrill Lynch (later paid to the court's registry and then to the trustee by court order, where it now resides) might be on the threshold of expiration unless tolled under the provisions of §108(c), as interpreted in *In re Swintek*, 906 F. 3d 1100 (9th Cir. 2018). Remares wants either a declaratory relief order, or relief of stay in order to go the Superior Court for either issuance of a new writ, and presumably a new levy to create an execution lien, or more likely, some kind of extension order. A few points seem clear: 1. An advisory opinion is not appropriate, certainly not in a summary proceeding like relief of stay, and what is really a request for declaratory relief, should be by Rule 56 motion in an adversary proceeding under FRBP 7001(9); 2. Relief of stay for purposes of going to state court to either get the same declaratory relief, or some kind of extension order, or worse, re-levying the account is entirely inappropriate. Once a bankruptcy is filed we cannot have parties resorting to state court to extend or improve their existing liens lest the automatic stay become meaningless.

The appropriate place for the determination Remares seeks is in the pending adversary proceeding where priority of liens is already among the issues expressly raised, i.e., the claim objection adversary proceeding brought by Vibe Micro, # 21-01011-TA. If the concern is that the two-year period under state law of an execution lien is about to expire, creating an emergency, the court under §105 will issue a short extension order sufficient

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, August 3, 2021

Hearing Room

5B

10:30 AM

CONT... Igor Shabanets

Chapter 7

for a proper setup of the Rule 56 motion addressed only to the question of preserving against lapse in interim, not on the underlying question of whether a lien exists in the first place, which the court understands Vibe Micro disputes. Further, the proposed Rule 56 motion can be, and perhaps should be, focused on the narrow question of whether the doctrine expressed in *Swintek* regarding §108 controls here. The court does not need to get into the several ancillary questions Vibe Micro has also raised, but will do so if they are appropriately raised and supported as part of the same motion.

Deny, but issue a temporary order under §105 preserving status quo pending hearing in adversary proceeding.

Party Information

Debtor(s):

Igor Shabanets

Represented By
Bruce A Boice

Movant(s):

Remares Global, LLC

Represented By
Alan W Forsley

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, August 3, 2021

Hearing Room

5B

10:30 AM

8:20-11631 Hoan Dang and Diana Hongkham Dang

Chapter 7

#3.00 Motion for relief from the automatic stay PERSONAL PROPERTY

**1ST UNITED SERVICES CREDIT UNION
Vs
DEBTORS**

Docket 234

Tentative Ruling:

Tentative for 8/3/21:
Grant. Appearance: optional

Party Information

Debtor(s):

Hoan Dang

Represented By
James C Bastian Jr

Joint Debtor(s):

Diana Hongkham Dang

Represented By
James C Bastian Jr

Movant(s):

1st United Service Credit Union

Represented By
Reilly D Wilkinson

Trustee(s):

Karen S Naylor (TR)

Represented By
Nathan F Smith
Arturo Cisneros
James C Bastian Jr

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, August 3, 2021

Hearing Room

5B

10:30 AM

8:21-11140 Enrique Martinez

Chapter 13

#4.00 Motion for relief from the automatic stay PERSONAL PROPERTY

HONDA LEASE TRUST

Vs

DEBTOR; AND AMRANE COHEN, CHAPTER 13 TRUSTEE

Docket 25

Tentative Ruling:

Tentative for 8/3/21:

Grant. Appearance: optional

Party Information

Debtor(s):

Enrique Martinez

Represented By

Richard L. Sturdevant

Movant(s):

HONDA LEASE TRUST

Represented By

Vincent V Frounjan

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, August 3, 2021

Hearing Room

5B

10:30 AM

8:20-10047 Aureliano Gonzalez and Juana Artega De Gonzalez

Chapter 13

**#5.00 Motion for relief from the automatic stay REAL PROPERTY
(cont'd from 7-13-21)**

**CTF ASSET MANAGEMENT, LLC
Vs.
DEBTORS**

Docket 82

Tentative Ruling:

Tentative for 8/3/21:
Same tentative as May 11, grant absent APO.

Tentative for 7/13/21:
Grant absent current status or APO.

Tentative for 6/8/21:
Same tentative, grant unless current or agree APO.

Tentative for 5/11/21:
Grant unless current or stipulated APO.

Party Information

Debtor(s):

Aureliano Gonzalez

Represented By
Elena Steers

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, August 3, 2021

Hearing Room

5B

10:30 AM

CONT... Aureliano Gonzalez and Juana Artega De Gonzalez

Chapter 13

Joint Debtor(s):

Juana Artega De Gonzalez

Represented By
Elena Steers

Movant(s):

CTF Asset Management, LLC, its

Represented By
Reilly D Wilkinson

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 5B Calendar**

Tuesday, August 3, 2021

Hearing Room

5B

11:00 AM

8:21-11333 Frank Ivan Sanchez

Chapter 7

#6.00 United States Trustee's Motion To Dismiss Chapter 7 Case For Abuse With A Two-Year Bar To Refiling Pursuant To 11 U.S.C. §§ 707(B)(3)(A), 105(A), 109(G) And 349

Docket 9

Tentative Ruling:

Tentative for 8/3/21:
Grant with 2 year bar.

Appearance: optional

Party Information

Debtor(s):

Frank Ivan Sanchez

Pro Se

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Tuesday, August 3, 2021

Hearing Room

5B

11:00 AM

8:13-19114 Everado Eddie Gonzalez

Chapter 7

#7.00 Trustee's Final Report And Application For Compensation:

THOMAS H. CASEY, CHAPTER 7 TRUSTEE

UNITED STATES BANKRUPTCY COURT, CLERK OF THE COURT COSTS

Docket 22

Tentative Ruling:

Tentative for 8/3/21:

Allow as prayed. Appearance: optional

Party Information

Debtor(s):

Everado Eddie Gonzalez

Represented By
Shahnaz Hussain

Trustee(s):

Thomas H Casey (TR)

Pro Se